

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:04-cr-271

UNITED STATES OF AMERICA)

v.)

ILA LITTLE HOWARD (3))
_____)

ORDER

THIS MATTER is before this Court upon the defendant's motion, pro se, to waive the fine imposed by the Court as part of her sentence. (Doc. No. 481).

The defendant is serving a sentence following her conviction for prostitution, money laundering, and drug offenses. (Doc. No. 353: Judgment). That judgment became final after it was affirmed on direct appeal, (Doc. No. 473: Mandate of United States Court of Appeals for the Fourth Circuit), and the defendant did not seek review by the Supreme Court. Clay v. United States, 537 U.S. 522, 527 (2003). Accordingly, the Court is without jurisdiction to alter the Judgment to eliminate the fine. Even if the Court had jurisdiction, it would deny the motion. The fine was imposed after consideration of the defendant's personal financial situation; therefore, the passing of her parents and the inability of other family members to provide support does not affect the Court's decision.

IT IS, THEREFORE, ORDERED that Defendant's Motion (Doc. No. 481) is **DENIED**.

Signed: June 15, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

